

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**NATIONAL UNION OF PROTECTIVE SERVICES  
ASSOCIATIONS, and its successor  
FEDERATION OF POLICE AND SECURITY (ALUTIIQ  
DIVERSIFIED SERVICES, LLC)**

**and**

**Case 06-CB-105424**

**DENISE A. MORRILL**

**DECISION AND ORDER**

**Statement of the Case**

On July 23, 2018, the National Union of Protective Services Associations, and its successor Federation of Police and Security, Denise A. Morrill, and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, provided for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

The Employer's business

1. (a) At all material times, the Employer, Alutiiq Diversified Services, LLC, a wholly-owned subsidiary of Alfognak Native Corporation with an office and place of business in Chesapeake, Virginia, and multiple jobsites in western Pennsylvania, has

been engaged in the business of providing security services to the United States Department of Homeland Security (DHS), in certain federally-owned facilities.

(b) During the 12-month period ending April 30, 2013, Alutiiq in conducting its business operations described above, performed services valued in excess of \$50,000 for DHS, an agency of the United States Government, and has exerted a substantial impact on the national defense of the United States.

(c) At all material times, the Employer has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

The labor organization involved

1. At all material times, the Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

### **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, National Union of Protective Services Associations, and its successor Federation of Police and Security, Owings Mills, Maryland, its officers, agents, and representatives shall:

1. Cease and desist from:

(a) Restraining or coercing employees of Alutiiq Diversified Services, LLC, in the exercise of their rights guaranteed in Section 7 of the National Labor Relations Act, as amended, by failing to handle grievances for DeAnna Ankney, or any employee, because they dislike them or for any other bad faith consideration.

(b) Restraining or coercing employees of Alutiiq Diversified Services, LLC, in the exercise of their rights guaranteed in Section 7 of the National Labor Relations Act, as amended, by failing to act to prevent the termination of the bargaining unit's health insurance policy.

(c) Opening any additional accounts beyond those it possesses at the Sun Trust Bank as of April 6, 2018, without first giving prior notice to the Board.

(d) Permitting any further alienation of its assets by its current Executive Director, Susan M. King, or any other person, except to the extent that such payments amount to the payment of bona fide salary or reimbursement of expenses.

(e) In any other manner, interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Make whole the following unit members for the medical expenses they incurred by payment to them in the amounts set opposite their respective names, plus applicable interest due at the time of payment:

Unit Member	Reimbursement re Medical Expenses
Gareth Davis	\$948.80
James Durant	\$4,151.60
Michael Hovis	\$164.61
Joseph Pitel	\$765.71

(b) Make unit member DeAnna Ankney whole for her losses as a result of failing to process her discharge grievance by payment to her in the amounts set opposite her name, plus interest applicable due at the time of payment:

De Ann Ankney	\$7,000.00 (Backpay)
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(c) Payments will be made by check payable to the "National Labor Relations Board" pursuant to the attached Backpay Installment Payment Plan, Appendix A, until the amounts, as reflected in this Stipulation, are satisfied.

(d) If any restitution payment is not remitted within 14 days of receipt by the Respondent, the full unpaid amount shall become immediately due and payable and the Board may, without further notice, institute proceedings against the Respondent for the collection of the full indebtedness remaining due, with additional interest due on the entire unpaid balance from the date of the default until full payment is received, computed in accordance with the formula prescribed in *New Horizons*, 283 NLRB 1173 (1987), compounded daily as prescribed in *Kentucky River Medical Center*, 356 NLRB 6 (2010).

(e) Provide copies of its monthly bank statements for all accounts held by the Respondent to the Board to verify its receipts and expenditures.

(f) Within 14 days of service by the Region, copy and mail, at its own expense, copies of the Notice, which is attached as Appendix B. The Notice must be signed by the Respondent's authorized representative and then mailed to all current Pittsburgh bargaining unit employees and members and anyone who was a bargaining unit employee or member at any time from December 1, 2012 until November 25, 2013.

(g) Within 21 days after service by the Region, file with the Regional Director for Region 6 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

Dated, Washington, D.C., February 1, 2019.

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Lauren McFerran,                      Member

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Marvin E. Kaplan,                      Member

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William J. Emanuel,                      Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

## **APPENDIX A**

### **BACKPAY INSTALLMENT PAYMENT PLAN (Revised 7/25/18)**

In full satisfaction of all monetary obligations it may have in Board Case No. 06-CB-105424, Federation of Police and Security (FOPS), a successor to the National Union of Protective Services Associations (NUPSA) (Respondent), agrees to pay THIRTEEN THOUSAND TWENTY-ONE DOLLARS and SEVENTY-TWO CENTS (\$13,021.72), plus interest, until fully paid in the manner described below.

Within 14 days following the approval of the Formal Settlement Stipulation by the Regional Director of Region 6, Respondent will transmit a check to Region 6 in the amount of \$500.00 payable to the "National Labor Relations Board."

In addition, Respondent agrees to remit all restitution payments (pursuant to a court-ordered restitution judgment in criminal case 14-cr-123 (D.D.C.)) received following the approval of the Formal Settlement Stipulation by the Regional Director of Region 6. These payments must also be transmitted to Region 6 via check made payable to the "National Labor Relations Board."

All payments must be mailed to National Labor Relations Board, Region 6, Nancy Wilson - Regional Director, 1000 Liberty Ave., Room 904, Pittsburgh, PA 15222.

All checks received by the Region will be deposited in an escrow account by the Finance Branch of the NLRB in Washington, DC. The NLRB's Finance Branch will issue checks to the discriminatees in proportional amounts until 100% backpay is achieved.

Should Region 6 be unable to locate any discriminatee within one year after Respondent deposits the final installment payment, the backpay entitlement of any such discriminatee shall expire and be paid to DeAnna Ankney.

In consideration of the Board granting this installment payment plan, the Federation of Police and Security (FOPS) further agrees that, if any restitution payment is not remitted within 14 days of receipt by Respondent, or, to cure any such failure within fourteen (14) days, the total amount of backpay set forth above, less any amounts paid, plus any additional interest on the portions of backpay yet to be paid, shall become immediately due and payable.

**FEDERATION OF POLICE AND SECURITY (FOPS)**

**Respondent**

## **APPENDIX B**

### **NOTICE TO EMPLOYEES AND MEMBERS**

**POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING  
FOR A BOARD ORDER AND A CONSENT JUDGMENT  
OF ANY APPROPRIATE UNITED STATES COURT OF APPEALS**

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose a representative to bargain with your employer on your behalf;  
Act together with other employees for your benefit and protection;  
Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**WE WILL NOT** in any other manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**WE WILL NOT** fail to handle grievances for DeAnna Ankney or any employee because we dislike them or for any other unfair reason.

**WE WILL NOT** fail to act to prevent the termination of the bargaining unit's health insurance policy.

**WE WILL** make any affected bargaining unit employee whole, with interest, for health insurance expenses they incurred as a result of our conduct.

**NATIONAL UNION OF PROTECTIVE  
SERVICES ASSOCIATIONS and its  
successor FEDERATION OF POLICE  
AND SECURITY**

The Board's decision can be found at <http://www.nlrb.gov/case/06-CB-105424> or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

